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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,424	04/04/2005	Dominique Scibile	17170/002001	8851
22511	7590	11/28/2007	EXAMINER	
OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010			BOATENG, ALEXIS ASIEDUA	
		ART UNIT		PAPER NUMBER
		2838		
		NOTIFICATION DATE		DELIVERY MODE
		11/28/2007		ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
buta@oshaliang.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/510,424	SEBILLE, DOMINIQUE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alexis Boateng	2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 August 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 5, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gale (U.S. 6,420,793) in view of Nomura (U.S. 5,446,365).

**Regarding claims 1 and 8,** Gale discloses in figures 1-4 an arrangement for controlling a multi-phased and reversible rotating electrical machine, associated with an internal combustion engine of a vehicle, including a network for supplying electrical energy and an electrical energy supply connected to this network, the arrangement comprising:

a device for supplying to the network energy produced by overexcitation of the electrical machine caused by at least braking; wherein the device for supplying the energy comprises at least one energy storage device 34,

a DC/DC device 14 device operatively connected between the energy supply battery/18 and the energy storage device 34; and

a switching device 36 configured to selectively connect the rotating electrical machine 10 to the battery/18 and in that switch 36 is provided in the above-mentioned circuit 14 [see abstract; column 2, lines 63-67; column 3, lines

1-19]. With regard to the limitation "predetermined period of time": it is an inherent function of the controller, which includes a CPU, to continuously monitor and time the functions of the starter/alternator, and MPEP 2100 states that the disclosure of a limitation may be expressed, implicit or inherent. Gale discloses the invention as previously claimed, but does not disclose wherein the overexcitation is caused by at least braking. Nomura discloses in column 4 lines 57 – column 5 line 4 wherein braking system causes the battery to be overheated, or overexcited and thus the switch coupled to the battery switches off.

**Regarding claims 2 and 3,** Gale discloses wherein the switching device comprises a metal-oxide-semiconductor field-effect transistor (MOSFET) (column 3 lines 59 - 61).

**Regarding claim 4,** Gale discloses wherein the energy storage device is comprises a capacitor device (column 3 lines 14 – 15).

**Regarding claims 5, 9 and 10,** Gale does not disclose wherein a switching device comprises a MOSFET. Nomura disclose in figure 2 and at column 4 lines 4 – 6 wherein a MOSFET is disclosed. At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Gale system with the Nomura system so that the speed of response is increased since it has been held to be a matter of obvious design choice and within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use of the invention. See In re Leshin, 125 USPQ 416. In re Aller, 105

USPQ 233 (CCPA 1955), In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

3. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gale (U.S. 6,420,793) in view of JP-10184506.

**Regarding claims 6 and 7,** Gale does not disclose wherein the switching device comprises a diode with a switch mounted in series with the diode. JP-10184506 discloses in figures 1-5 and in the abstract a diode 16 in series with switch 20 connecting a capacitor 14 with an alternator 18. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the Gale apparatus and provide a diode in series with a switch, as disclosed by 3P-10184506, in order to prevent backflow. As to claim 7, Gale and JP-10184506 do not disclose the use of an electromagnetic relay.

[0076]:

The instant specification only mentions the limitation "an electromagnetic relay" at paragraph [0076]. "If the applicant has not demonstrated the criticality of a specific limitation, it would be appropriate to rely solely on case law as the rationale to support an obviousness rejection". See MPEP 2144.04. Therefore, the use of an electromagnetic relay, absent any criticality, is only considered to be the use of "optimum" or "preferred" material that a person having ordinary skill in the art at the time the invention was made using routine experimentation would have found Obvious to provide for the switch disclosed by Gale and JP-

10184506 in order to improve the speed of response to commands since it has been held to be a matter of obvious design choice and within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use of the invention. See *In re Leshin*, 125 USPQ 416. *In re Aller*, 105 USPQ 233 (CCPA 1955), *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

***Response to Arguments***

4. Applicant's arguments with respect to claims 1- 10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexis Boateng whose telephone number is (571) 272-5979. The examiner can normally be reached on 8:30 am - 6:00 pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB



BAO Q. VU  
PRIMARY EXAMINER